

Notice of Allowability	Application No.	Applicant(s)
	10/064,201 Examiner	PI ET AL. Art Unit
	Therese Barber	2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 24 October 2003.
  2.  The allowed claim(s) is/are 1-4, 6-17 and 19-26.
  3.  The drawings filed on 20 June 2002 are accepted by the Examiner.
  4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None
 of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
    - (a)  The translation of the foreign language provisional application has been received.
  6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |   |   |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>17</u> . | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material    | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|   | 9 <input type="checkbox"/> Other _____.   |

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bing Ai on 8 January 2004.

The application has been amended as follows:

**IN THE CLAIMS:**

In claim 6, line 6, insert -- an overlay layer formed between said surface and said optical detector and having a refractive index higher than a refractive index of said waveguiding optical conduit; -- after the term "exists".

Cancel claim 18.

In claims 19, 21, and 22, line 1, change "claim 18" to "claim 6".

*Allowable Subject Matter*

2. Claims 1-4, 6-17 and 19-26 are allowed
3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-4 and 13-17, the prior art fails to teach or to reasonably suggest a device with a tap monitor having a waveguiding optical conduit wherein an evanescent field is formed on its side surface, an optical detector and "an overlay layer formed between the side

surface and the optical detector and having a refractive index higher than a refractive index of the waveguiding optical conduit”, as set forth in the claimed combination.

Regarding claims 6 and 19-26, the prior art fails to teach or to reasonably suggest a device with a tap monitor having a waveguiding optical conduit wherein an evanescent field is formed on its side surface, an optical detector, a variable optical attenuator, a controller and “an overlay layer formed between the side surface and the optical detector and having a refractive index higher than a refractive index of the waveguiding optical conduit”, as set forth in the claimed combination.

Regarding claims 7-12, the prior art fails to teach or to reasonably suggest a device with a tap monitor having a waveguiding optical conduit wherein an evanescent field is formed on its side surface, an optical detector and “a waveguide overlay formed above the side surface with a refractive index greater than a refractive index of the waveguiding optical conduit to extract a fraction of light out of a guide mode via evanescent coupling to produce a monitor signal in the waveguide overlay, the waveguide overlay having an end facet which forms an acute angle with respect to the side surface to receive the monitor signal”, as set forth in the claimed combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

4. The applicants have cancelled claim 5.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawrence (USPN 6,052,220) discloses an optical amplifier with a side surface polished optical fiber that exposes the evanescent field wherein the overlay waveguide has phase matching capability.

Campbell (USPN 5,080,506) discloses a tap for monitoring light within an optical fiber wherein a mode stripper is disposed completely around the outer circumference of an optical fiber and has an index of refraction that is equal to or higher than the index of refraction of the fiber cladding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Therese Barber whose telephone number is (571) 272-2486. The examiner can normally be reached on Monday to Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

*tb*  
8 January 2004



EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER